

# Regular Council Meeting Agenda

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## **Tempe City Council Regular Council Meeting Harry E. Mitchell Government Center Tempe City Hall - City Council Chambers 31 East Fifth Street, Tempe, Arizona Thursday, February 13, 2014 7:30 PM**

Members of the City Council may attend either in person or by telephone conference call.

**1. INVOCATION - Councilmember Woods**

**2. PLEDGE OF ALLEGIANCE**

**3. MINUTES - Councilmember Ellis**

**A. Approval of City Council Meeting Minutes**

1. [Formal City Council Meeting - December 12, 2013, January 9, 2014, and January 23, 2014](#)
2. [Issue Review Session - October 24, 2013, November 7, 2013, December 12, 2013, and January 23, 2014](#)
3. Executive Session - January 9, 2014 and January 23, 2014
4. [City Council Calendar Meeting - January 9, 2014](#)

**B. Acceptance of Board, Commission and Committee Meeting Minutes**

1. [Development Review Commission - December 10, 2013](#)
2. [Development Review Commission Study Session - December 10, 2013](#)
3. [Enhanced Services Commission - November 13, 2013](#)
4. [Hearing Officer - January 7, 2014 and January 21, 2014](#)
5. [Human Relations Commission - December 10, 2013 and December 30, 2013](#)
6. [Library Advisory Board - January 8, 2014](#)
7. [Mayor's Youth Advisory Commission - January 7, 2014](#)

**4. REPORTS AND ANNOUNCEMENTS**

**A. Mayor's Announcements**

1. **Bike Hero Award 2014**
2. **Citizen Commendation – Tempe Police Department**
3. **Board and Commission (Re)appointments**

**B. City Manager's Announcements**

## 5. CONSENT AGENDA

All items listed on the Consent Agenda will be considered as a group and will be enacted with one motion by the City Council unless an item is removed for separate consideration. Members of the public may remove public hearing items for separate consideration. Public hearing items are designated by an asterisk (\*). Councilmembers may remove any item for separate consideration.

### A. Miscellaneous Items

- 5A1. [Approve the December 2013 Report of Claims Paid to be filed for audit.](#)

*Fiscal Impact:* Total payments in December: \$15,805,866.68

- 5A2. [Approve an Amended Subdivision Plat for ARBORS TEMPE APARTMENTS, located at 805 West Brown Street. The applicant is McDougall Devcon, LLC.](#)

*Fiscal Impact:* There is no fiscal impact on City funds.

- 5A3. [Approve a Final Subdivision Plat for BASELINE CORPORATE CENTER, located at 4920 South Wendler Drive. The applicant is Hunter Engineering.](#)

*Fiscal Impact:* There is no fiscal impact on City funds.

- 5A4. [Approve board and commission \(re\)appointments.](#)

*Fiscal Impact:* N/A

- \*5A5. [Hold a public hearing to recommend the approval of a Series 06 bar liquor license for Meal Ticket, LLC, dba Tavern On Mill, 404 South Mill Avenue #101.](#)

*Fiscal Impact:* N/A

- \*5A6. [Hold a public hearing to recommend the approval of an acquisition of control and agent change of a Series 10 beer and wine store liquor license for Danny's Tempe LLC, dba Danny's Tempe Town Market Place, 2090 East Rio Salado Parkway.](#)

*Fiscal Impact:* N/A

- \*5A7. [Hold a public hearing to recommend the approval of a Series 12 restaurant liquor license for BCIP, LLC, dba Began's Classic Italian Pizza, 6434 South McClintock Drive.](#)

*Fiscal Impact:* N/A

- \*5A8. [Hold a public hearing to recommend the approval of a Series 12 restaurant liquor license for RMH Franchise Corporation, dba Applebee's Neighborhood Grill & Bar, 909 East Broadway Road.](#)

*Fiscal Impact:* N/A

- \*5A9. [Hold a public hearing to recommend the approval of a Series 12 restaurant liquor license for RMH Franchise Corporation, dba Applebee's Neighborhood Grill & Bar, 1655 West Elliot Road.](#)

*Fiscal Impact:* N/A

5A10. [Approve Addendum No. 1 to the Employment Agreement for the City Clerk.](#)

**Fiscal Impact:** The Addendum will result in a base salary adjustment of \$9,523.80 to be paid in February of 2014, and \$6,349.20 to be paid on July 1, 2014, to ensure that the salary is commensurate with actual salaries for the current market for cities in Arizona, as established by the Human Resources Department market survey conducted in 2013-14.

**B. Award of Bids/Contracts**

5B1. [Approve the renewal of a one-year contract with AH Water, Inc. for the purchase of an odor controlling chemical used to treat wastewater for the Public Works Department.](#)

**Fiscal Impact:** Total cost of this contract will not exceed \$300,000 during the one-year renewal period. Sufficient funds have been appropriated in cost center 3035 - Field Facilities (Water/Wastewater Fund) for the anticipated expenditures in the current fiscal year.

5B2. [Approve the renewal of one-year contracts with Capital Electric Supply, Electric Supply and Summit Electric Supply for the purchase of electrical supplies used by the Public Works Department.](#)

**Fiscal Impact:** Total cost of these three contracts will not exceed \$300,000 during the one-year renewal period. Sufficient funding for the anticipated expenditures in the current fiscal year has been appropriated in multiple funds including the General, Water/Wastewater, Transit, Highway User, and Capital Improvement Project fund cost centers.

5B3. [Approve the renewal of one-year contracts with Crop Production Services and Target Specialty Products for the supply of chemicals, fertilizers, and pesticides that will be used by the Public Works Department.](#)

**Fiscal Impact:** Total cost of these contracts will not exceed \$300,000 during the one-year renewal period. Sufficient funds have been appropriated in the Golf Fund - cost centers 2511 (Rolling Hills Golf Course) and 2512 (Ken McDonald Golf Course), Performing Arts Fund - cost center 3611 (TCA Art Park), and General Fund - cost centers 2553, 2554, 2555, 2556, 2557, and 2559 (Diablo Stadium Maintenance, Parks Maintenance - Rio Salado, Landscape Maintenance, North Parks, Parks Maintenance - Rio Salado Community Facilities District, and South Parks) for the anticipated expenditures in the current fiscal year.

5B4. [Approve the renewal of a one-year contract with IT Partners for Hewlett Packard enterprise servers and related products, accessories, and services that are used by the Finance and Technology Department to support numerous software applications throughout the City.](#)

**Fiscal Impact:** Total cost of this contract will not exceed \$950,000. Sufficient funds have been appropriated in the General Fund - cost centers 1991 (IT - Administration) and 1995 (IT - Systems Administration) for the anticipated expenditures in the current fiscal year.

5B5. [Award a one-year contract with four, one-year renewal options to Fluoresco Lighting and Signs for area and path lighting maintenance and repairs for the Public Works Department.](#)

**Fiscal Impact:** Total cost of this one-year contract will not exceed \$150,000. Sufficient funds have been appropriated in various cost centers in the Transit Fund under cost center 3910 (Transit) and the General Fund including cost centers 2550 (Park Maintenance) and 3240 (Facility Maintenance), for the anticipated expenditures in the current fiscal year.

- 5B6. [Award a professional services contract with Brown and Caldwell, Inc. to provide supervisory control and data acquisition network integration into the City's existing infrastructure network and conduct an arc flash hazard analysis.](#)

**Fiscal Impact:** The contract amount is \$78,948. Funds are approved and appropriated for fiscal year 2013/14 in Capital Improvement Project No. 3201202, Arc Flash Hazard Analysis, and Project No. 3204409, Supervisory Control and Data Acquisition Master Plan and Implementation.

- 5B7. [Approve the award of a one-year contract with four, one-year renewal options to AP Fire Protection, LLC for the required inspections, servicing, repairs and needed upgrades of fire alarms and fire extinguishers throughout the City to be overseen by the Public Works Department.](#)

**Fiscal Impact:** Total cost of this contract will not exceed \$85,000. Sufficient funds have been appropriated in the General Fund – cost center 3241 (Facility Services) – for the anticipated expenditures in the current fiscal year.

#### C. Resolutions

- 5C1. [Adopt a resolution authorizing the Mayor or his designee\(s\), to execute an agreement between the United States Department of Justice Marshals Service and the City of Tempe to accept overtime funding for an officer assigned to the Joint Law Enforcement Operations Task Force. \(Resolution No. R2014.12\)](#)

**Fiscal Impact:** The amount of the total grant award is \$25,000. This grant award will supplement the Police Department's existing General Fund budget appropriation. Sufficient budget appropriation for expenditure of this grant was authorized in the Police Department RICO and Grants Fund (Fund 45) as part of the fiscal year 2013-14 adopted budget.

- 5C2. [Adopt a resolution authorizing the Mayor or his designee\(s\), to execute an agreement between the Federal Bureau of Investigation and the City of Tempe to accept overtime funding for an officer assigned to the Joint Terrorism Task Force. \(Resolution No. R2014.13\)](#)

**Fiscal Impact:** The amount of the total grant award is \$17,202.25. This grant award will supplement the Police Department's existing General Fund budget appropriation. Sufficient budget appropriation for expenditure of this grant was authorized in the Police Department RICO and Grants Fund (Fund 45) as part of the fiscal year 2013-14 adopted budget.

- 5C3. [Adopt a resolution authorizing the Mayor to execute an amendment and restatement of that certain Second Amended Service Agreement for Operation of Hackett House between the City of Tempe and Tempe Sister City Corporation, relating to the Hackett House located at 95 West 4th Street. \(Resolution No. R2014.14\)](#)

**Fiscal Impact:** Annual General Fund fee revenue of \$1,800 plus tax does not change from the previous contract. This amended agreement will cap the annual amount the City pays towards the cost of utilities at \$16,400. Sufficient budget appropriation for these expenditures has been appropriated in the Public Works General Fund cost center 3241 and Finance and Technology General Fund cost center 1991.

- 5C4. [Adopt a resolution supporting an application by Newtown Community Development Corporation for fiscal year 2014 federal HOME Funds, certifying that the application complies with the City's Consolidated Plan and authorizing the Community Development Department to administer any contract awarded to Newtown. \(Resolution No. R2014.15\)](#)

**Fiscal Impact:** Sufficient budget appropriation for staff time spent administering the contract has been appropriated in Community Development's HOME cost center 2854. No additional City funds are required.

## 6. NON-CONSENT AGENDA

All items listed on the Non-Consent Agenda will be considered separately. Agenda items scheduled for Introduction and First Public Hearing will be heard, but will not be voted upon at this meeting. Agenda items scheduled for Second Public Hearing and Final Adoption will be voted upon tonight.

Quasi-judicial items are indicated by "q-j". The City Council sits as a quasi-judicial body when hearing variances. In this situation, the City Council must conduct itself as a court, not as a legislative body. Pre-meeting contact with the City Council on quasi-judicial matters is prohibited. Any materials or conversations concerning the item shall only be presented to the City Council at the scheduled public hearing.

### A. Miscellaneous Items/Bids/Contracts/Resolutions

- 6A1. [Appeal of the Development Review Commission's Denial for a Development Plan Review consisting of two new, 4-story, multi-family buildings totaling 358 units for LPC SOUTHBANK located at 1190 East Vista Del Lago Drive. The appellant is Snell & Wilmer LLP.](#)

**Fiscal Impact:** The planned development will result in collection of the standard development fees, calculated according to the approved fee structure at the time of permit issuance.

- 6A2. [Approve an amendment to the 20-year Solar Services Agreement with SolarCity Corporation for the development, construction, and maintenance of the South Water Treatment Plant's solar photovoltaic electric generating system.](#)

**Fiscal Impact:** The total cost of the 20-year Solar Services Agreement for the South Water Treatment Plant is estimated at \$1,646,281. Due to the lower per kilowatt-hour cost associated with the solar production portion of the plant's energy demand, the City will realize a net savings over currently approved energy budgets. The 20-year projected Net Present Value energy savings is calculated at \$738,895. Sufficient funds have been appropriated in the Water/Wastewater Fund, cost center 3014 (South Tempe Water Treatment); and the General Fund, cost center 3241 (Facility Services) for the anticipated expenditures in the current fiscal year.

- 6A3. [Award a one-year contract with two, one-year renewal options to Emergency Vehicle Group, Inc., for the purchase of two engine pumper apparatus to be used by the Fire, Medical, Rescue Department.](#)

**Fiscal Impact:** Total cost of this contract will not exceed \$1,100,000. This amount includes an estimated \$56,000 contingency value that will be used to select optional equipment that will be identified once the design details of the apparatus are finalized. Pricing for the optional items was secured as part of the solicitation process. Sufficient funds have been appropriated in the Fire Protection Capital Improvement Project fund – cost center 5603619 (Fire Apparatus Replacement) for the anticipated expenditures in the current fiscal year.

- 6A4. [Approve the renewal of a one-year contract with F2 Industries, LLC for powdered activated carbon used by the Public Works Department.](#)

**Fiscal Impact:** Total cost of this contract will not exceed \$2,000,000. Sufficient funds have been appropriated in the Water/Wastewater Fund – cost centers 3013 (Johnny G. Martinez Water Plant) and 3014 (South Tempe Water Plant) for the anticipated expenditures in the current fiscal year.

- 6A5. [Award a professional services contract with Gannett Fleming, Inc. to provide post-design and construction management services for replacement of the Tempe Town Lake Downstream Dam.](#)

**Fiscal Impact:** The contract amount is \$1,767,660. Funds are approved and appropriated for fiscal year 2013/14 in Capital Improvement Project No. 6504229, Town Lake Dam Replacement.

- 6A6. [Award one-year contracts with four, one-year renewal options to Supreme Oil Company and Western Refining Wholesale for the purchase of vehicle and equipment fuels, both on and offsite, and diesel exhaust fluid overseen by the Public Works Department.](#)

**Fiscal Impact:** Total City of Tempe cost of these one-year contracts will not exceed \$4,300,000. Sufficient funds have been appropriated in the General Fund (cost centers 3264 – Fleet Management Inventory) and the Transit Fund (cost center 3914 – Transit Operations) for the anticipated expenditure in the current fiscal year. Total value of the contracts with full participation by the local school districts is estimated at \$6,260,000.

**B. Ordinances and Items for Introduction and First Hearing**

- \*6B1. [Introduce and hold the first public hearing to adopt an ordinance amending Chapter 9 of the Tempe City Code relating to Civil Defense and Emergency Services. The second and final public hearing is scheduled for February 27, 2014. \(Ordinance No. O2014.09\)](#)

**Fiscal Impact:** N/A

- \*6B2. [Introduce and hold the first public hearing to adopt an ordinance amending Chapter 2, Administration of the Tempe City Code, by adding Article VIII, relating to Human Relations. The second and final public hearing is scheduled for February 27, 2014. \(Ordinance No. O2014.10\)](#)

**Fiscal Impact:** There is no direct fiscal impact to the City as a result of this Ordinance. Existing staff will provide the administration of the Ordinance.

**C. Ordinances and Items for Second Hearing and Final Adoption - None.**

**7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS**

**8. PUBLIC APPEARANCES**

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on this agenda. Matters discussed by the public during public appearances cannot be discussed by the City Council unless they are specifically listed on this agenda. There is a five-minute time limit per speaker. Speaker's visual aids or recorded tapes are not allowed.

Members of the public shall refrain from making personal, impertinent or slanderous remarks and from becoming boisterous while addressing the City Council or while attending the meeting. Unauthorized remarks from the audience, clapping, stomping of feet, yelling or any similar demonstrations are also prohibited. Violations of these rules may result in removal from the City Council meeting.

A. Scheduled

B. Unscheduled

Legal Advice: If necessary, the City Council may vote to adjourn to executive session for the purpose of obtaining legal advice from the Council's attorney on any matter listed on the agenda pursuant to A.R.S §38-431.03(A)(3).

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